IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.4777 OF 2005

Lahu Budhaji Dayare & others. ... Applicants
Versus.
The State of Maharashtra. ... Respondent.

Shri S.V.Gavand for the Applicants.

Shri A.S.Gadkari, A.P.P.for the Respondent.

CORAM : ABHAY S. OKA, J.

DATED : 26th July, 2005.

P.C.:

1. Heard the learned Advocate for the Applicant and the learned A.P.P. for the State.

2. The learned Advocate for the Applicant submitted that on plain reading of the F.I.R. at the highest offence made out is only of theft and that also by only one of the accused. He submitted that all that is stated in the F.I.R. is that the first informant realised that one of the Accused Pravin Patil took Rs.8500/-. The learned A.P.P. has shown me the statements of various witnesses recorded by the Police during the course of investigation. Considering the said statements it is very difficult to accept the argument of the learned Counsel for the Applicants that section 395 will not be attracted. It is pertinent to note that the case of the first informant is that on 11th July 2005 at midnight the Applicants came to his

house when the incident has allegedly taken place. Considering the gravity of the offence this is a case where the custodial interrogation of the Applicants will be required. No case is made out for grant of anticipatory bail. The Application is rejected.

3. The learned Advocate for the Applicants prays that time may be granted to surrender before the Investigating Officer. The said prayer is opposed by the learned A.P.P. Time is granted to the Applicants till 28th July 2005 2005 to appear before the concerned Investigating Officer.

Judge.